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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/976,322	11/21/1997	KIMMO DJUPSJOBACKA	915-312	1733

4955 7590 09/13/2002

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EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 09/13/2002

13

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action

Application No.

08/976,322

Applicant(s)

DJUPSJOBACKA ET AL. *AD*

Examiner

Brown M. Reuben

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 7/3/02 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See enclosed Advisory Action. attachment
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 2-19.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: see attached

Bh
Bhavesh Mehta
Primary Examiner

ADVISORY ACTION

Response to Arguments

1. Applicant's arguments filed 7/31/2002 have been fully considered but they are not persuasive. Applicant argues that Terasawa and Chaney do not read on the claimed invention, because of the claimed limitation of assigning at least one service or service component with a "non-numerically descriptive globally identifying name information". The limitation is already recited in claim 19, applicant proposes to amend independent claims 1 & 10-15, with the instant feature.

First of all, examiner points out that the claimed language of, "globally" is broad enough to read on being 'consistent, within a network'. For instance applicant argues on page 10, that different service descriptions may be used in various countries. However, "globally" is not necessarily limited to being with respect to consistency or uniformity across a various countries, in a geographic sense. Hence, as discussed in the previous Office Action, with respect to claim 1 and Response to Arguments, a particular service name such as ESPN represents global identifying name information. The name of the service ESPN, as well as other standard services do not change depending on the region of the country or cable area that the user is located. Thus within a CATV network, all users that the select ESPN, for instance, receive the same programming. Thus the name ESPN is non-numerically descriptive (i.e. textual) globally

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identifying name information. Other well known non-numerically descriptive globally identifying name information includes CNN, MTV, VH-1, etc.

Applicant asserts on page 9 that “CNN” or “MTV” cannot be used as globally individually identifying names, because in different regions they are associated with a different services and thus are not globally individual. Examiner respectfully disagrees with this assertion. All of the cable end users throughout a CATV network, i.e. system who select ESPN or CNN, at a particular time, receive the same service. While it is true that there may be times when programming (for example, commercials) on a particular service, such as CNN or ESPN differs for instance on the East Coast as opposed to the West Coast, of the USA, however in general, the main programming is the same throughout the country, and certainly within a CATV network. In other words, Sunday Night Football on ESPN is simultaneously shown to all subscribers across the country. This is true, even though obviously subscribers in California receive SNF at 6pm, whereas subscribers in New York receive the same program at 9pm. Notwithstanding the above discussion, clearly all of subscribers in a particular CATV network at a particular time, which select ESPN or CNN receive programming from the same service provider.

Furthermore, in the rejection of claim 19 in the previous Office Action, examiner asserted, “as for the amended claimed feature of the textual globally individual name of services, this feature reads on the actual name of the service that is displayed on the subscriber’s screen and is thus selected by the user, (Fig.4; Fig. 8; col. 7, lines 59-62).” Terasawa specifically

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discusses that the services are listed on an EPG, at least by their service provider name and service name, which represents the name of the service, thus reading on the instant claimed feature.

Regarding the remaining independent claims, applicant proposes an amendment to replace, “non-numerically descriptive” with “textual”. This feature was already included in claim 19, and thus the relevant portions of examiner’s discussion apply to the proposed amended claims. In view of the above discussion, examiner maintains the final rejection Office Action, mailed 5/21/2002.

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Any response to this action should be mailed to:

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or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 872-9314 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")


*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Brown M. Reuben whose telephone number is (703) 305-2399.
The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the
organization where this application or proceeding is assigned is (703) 872-9314 for regular
communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown


Bhavesh Mehta
Primary Examiner